

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON and
CABELL COUNTY COMMISSION,

Plaintiffs,

VS.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

CIVIL ACTION NO. 3:17-01362

STIPULATED ORDER

Non-party Discount Emporium, Inc. d/b/a Drug Emporium (“Drug Emporium”) and Plaintiffs the City of Huntington and Cabell County Commission (together, “Plaintiffs”) represent to the Court that they have conferred concerning Drug Emporium’s pending Motion to Quash or Modify the Trial Subpoenas of Plaintiffs, and have agreed to resolve the pending Motion by modifying the Trial Subpoenas as follows:

1. Drug Emporium will produce at trial a custodian of records to testify as to the documents identified in the Trial Subpoenas; and
2. The testimony of the custodian of records produced by Drug Emporium will be limited solely to the authentication and admission of the documents identified in the Trial Subpoenas.

The Defendants have not consented to the above agreed upon resolution.

IT IS SO ORDERED this ____ day of May, 2021.

ENTER:

David A. Faber
Senior United States District Judge

Respectfully submitted by:

THE CITY OF HUNTINGTON

/s/ Anne McGinness Kears

Anne McGinness Kears (WVSB No. 12547)

Joseph F. Rice

MOTLEY RICE LLC

28 Bridgeside Blvd.

Mount Pleasant, SC 29464

Tel: 843-216-9000

Fax: 843-216-9450

akearse@motleyrice.com

jrice@motleyrice.com

Linda Singer

David I. Ackerman

MOTLEY RICE LLC

401 9th Street NW, Suite 1001

Washington, DC 20004

Tel: 202-232-5504

Fax: 202-386-9622

lsinger@motleyrice.com

dackerman@motleyrice.com

Charles R. "Rusty" Webb (WVSB No. 4782)

The Webb Law Centre, PLLC

716 Lee Street, East

Charleston, West Virginia 25301

Telephone: (304) 344-9322

Facsimile: (304) 344-1157

rusty@rustywebb.com

CABELL COUNTY COMMISSION

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr. (WVSB No. 7443)

FARRELL LAW

422 Ninth Street, 3rd Floor (25701)

PO Box 1180

Huntington, West Virginia 25714-1180

Mobile: 304-654-8281

paul@farrell.law

Anthony J. Majestro (WVSB No. 5165)

POWELL & MAJESTRO, PLLC

405 Capitol Street, Suite P-1200

Charleston, WV 25301

304-346-2889 / 304-346-2895 (f)

amajestro@powellmajestro.com

Michael A. Woelfel (WVSB No. 4106)

WOELFEL AND WOELFEL, LLP

801 Eighth Street

Huntington, West Virginia 25701

Tel. 304.522.6249

Fax. 304.522.9282

mikewoelfel3@gmail.com

Michael J. Fuller, Jr.

Farrell & Fuller

1311 Ponce De Leon, Suite 202

San Juan, PR 00907

939-293-8244 – O

601-467-0788 – M

Mike@FarrellFuller.com

**DISCOUNT EMPORIUM INC. d/b/a
DRUG EMPORIUM**

/s/ J. Jarrod Jordan

Matthew J. Perry, Esquire WVSB 8589

J. Jarrod Jordan, Esquire WVSB 10622

LAMP BARTRAM LEVY TRAUTWEIN

PERRY & POWELL, PLLC

720 Fourth Avenue

Huntington, WV 25701

Post Office Box 2488

Huntington, WV 25725-2488

Phone: (304) 523-5400

Facsimile: (304) 523-5409

mperry@720legal.com

jjordan@720legal.com